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7590

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EXAMINER

MACARTHUR, VICTOR L

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/728,026

Applicant(s)

RONSHEIM, STEPHEN E.

Examiner

Victor MacArthur

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 9, 10 and 12-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9, 10 and 12 is/are rejected.
- 7) ☒ Claim(s) 13 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/4/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

In accordance with MPEP § 609, 707.05 and 2001.06(b); the prior art cited in the parent application was reviewed prior to preparation of this Office Action.

#### *Response to Election*

Applicant's election without traverse of Species VI in the paper filed on 9/13/2005 is acknowledged.

The Examiner acknowledges that all of the claims, as currently amended in the filing of 9/13/2005, read on the elected species.

#### *Drawings*

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "mounting assembly" (line 2 of claim 1), "base subassembly" (lines 2-3 of claim 1), "support assembly" (line 4 of claim 1) and "cover portion" (line 6 of claim 1) must be shown or the feature(s) canceled from the claim(s).

*DPS*  
*Further, the double line cross-hatching used in Figs. 2, 2A, 4-9, and 11 is improper. Finally, several elements in Figs. 13-14 have no cross-hatching. No new matter should be entered. Appropriate correction is required.*

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the

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drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Abstract*

The abstract of the disclosure is objected to because it describes the non-elected Species (e.g., "spring restores the object mounting member to an unclamped position" in lines 8-9). Correction is required.

### *Specification*

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

- The phrases "mounting assembly" (line 2 of claim 1) and "base subassembly" (lines 2-3 of claim 1) are not recited in the specification.

### *Claim Objections*

Claim 1 is objected to because of the following informalities:

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- The phrases “mounting assembly” (line 2 of claim 1) and “base subassembly” (lines 2-3 of claim 1) are not recited in the specification. Furthermore, it is unclear which drawing elements, if any, are represented by the above-mentioned phrases.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 9, 10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Hagman (U.S. Patent 5,738,344).

Claim 1. Hagman discloses (fig.2) an object holding device, comprising: an object mounting assembly (64, 58, 34) having a base subassembly (34, 58) and a mounting post (64); a support assembly (54, 44) constructed and arranged to support said base subassembly; a cover portion (62, 66, 30) cooperatively arranged with said support assembly to capture said base subassembly; said support assembly including a piston member (54) that is moveable in response to fluid pressure to apply a clamping force on said base subassembly to clamp said base subassembly in a selected position; a biasing spring (40) positioned within the base subassembly; and a spring-biased plunger (44) positioned within the base subassembly and located between the biasing spring and the piston member for maintaining a frictional force on the object mounting

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assembly sufficient to maintain the object mounting assembly in a selected orientation when the object mounting assembly is not otherwise clamped in position by the use of fluid pressure.

Claim 2. Hagman discloses the device of claim 1, wherein: said cover portion includes an upper body member (62) and a lower supporting base member (66).

Claim 3. Hagman discloses the device of claim 2, wherein: said support assembly cooperates with said cover portion defining a separation volume (volume between 62 and 30) for receipt of fluid pressure (in that the volume is fully capable of fluid reception).

Claim 4. Hagman discloses the device of claim 3, wherein: said cover portion defines a fluid inlet (71) which introduces fluid pressure into the separation volume to exert a force on said support assembly.

Claim 9. Hagman discloses the device of claim 1, wherein: said support assembly cooperates with said cover portion defining a separation volume (volume between 62 and 30) for receipt of fluid pressure (in that the volume is fully capable of fluid reception).

Claim 10. Hagman discloses the device of claim 9, wherein: said cover portion defines a fluid inlet (71), which introduces fluid pressure into said separation volume to exert a force on said support assembly.

Claim 12. Hagman discloses the device of claim 1, wherein: said base subassembly contacts said cover portion at a location (uppermost contact location between 58 and 62) above the midpoint of said base subassembly.

***Allowable Subject Matter***

Claims 13 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 13. Hagman discloses (fig.2) the device of claim 1 wherein the piston member includes a concave cavity (cavity in 54 receiving 58). Hagman does not disclose a convex surface on the plunger that remains in contact with the concave cavity. Booth (U.S. Patent 2,614,873) shows (fig.1) a spring-biased plunger (35) including a convex surface (bottom surface of 35) that remains in contact with a concave cavity (concave cavity in 41). However, the prior art does not disclose or suggest any motivation to modify Hagman in view of Booth; nor would one of ordinary skill in the art readily identify any benefit in such a modification. Lastly, the examiner notes that modifying the Hagman plunger to remain in contact with the convex surface would destroy the operability of Hagman since element 58 could no longer be conformingly received within the convex surface and thus, such a modification of the prior art would change the principle of operation of Hagman such that the teachings of the references are not sufficient to render claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 249 (CCPA 1959).

Claim 14 depends from claim 13 and is thus similarly objected to.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Referring to object holding devices:

Pierce U.S. Patent 973,558

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Latzen U.S. Patent 2,727,768

Latzen U.S. Patent 2,733,087

Newkirk U.S. Patent 2,928,686

Carter U.S. Patent 3,817,640

Rusbach U.S. Patent 3,958,904

Wallis U.S. Patent 4,531,855

Covey U.S. Patent 4,861,256

Ognier U.S. Patent 5,918,844

Fidler U.S. Patent 6,371,425

King U.S. Patent 6,491,273

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor MacArthur whose telephone number is (571) 272-7085.

The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR



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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.



VLM

November 7, 2005



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